

REMARKS

Applicants have carefully reviewed this Application in light of the Office Action mailed September 16, 2004. Claims 1-30 are pending in this application. Claims 1-4, 6-11, 15-18, 20-26, 28 and 29 stand rejected under 35 U.S.C. §102(b) and Claims 5, 12-14, 19, 27 and 30 stand rejected under 35 U.S.C. §103. Claims 5 and 12 were objected to due to informalities. Claims 1, 11, 15, 25 and 29 have been amended to further define various features of Applicants' invention. Claims 5 and 12 have been amended to correct typographical errors. Applicants respectfully request reconsideration and favorable action in this case.

Specification and Claim Objections

The Examiner objected to the Specification for failing to include a "Brief Summary of the Invention" section. Applicants have thus added a section entitled "Brief Summary of the Invention," as shown above. The "Brief Summary of the Invention" is fully supported by the original disclosure (see, e.g., Claim 1 and "Example 5" on pages 32-34 of the Specification), and thus no new matter is added. Thus, Applicants request the Examiner withdraw his objection to the Specification.

The Examiner also objected to Claims 5 and 12 because the ";" (semicolon) after the word "includes" should be a ":" (colon). Applicants have amended Claims 5 and 12 to correct these typographical errors, as shown above. Thus, Applicants request the Examiner withdraw his objection to Claims 5 and 12.

Claims 1-4, 6-10, 15-18, 20-24 and 29, as amended, are allowable over *Buhrmann*.

Claims 1-4, 6-11, 15-18, 20-26, 28 and 29 stand rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,933,778 issued to Michael Buhrmann et al. ("*Buhrmann*"). Claims 1-4, 6-10, 15-18, 20-24 and 29 are discussed in this section, while Claims 11, 25-26 and 28 are discussed in the subsequent section.

Claim 1, as amended, recites:

A method for facilitating mediated virtual communication, comprising:
receiving, by a mediation system from a mediation subscriber communication device, a service selection, the service selection identifying a service selected by a mediation subscriber from a plurality of services displayed to the mediation subscriber by the mediation subscriber communication device;
determining, by the mediation system, a context associated with the service selection, the context comprising information regarding the availability of the mediation subscriber; and
in response to determining the context associated with the service selection, determining, by the mediation system, a plurality of contextual arrangement options regarding the service selected by the mediation subscriber, at least one of the plurality of contextual arrangements options being determined based on the determined context associated with the service selection.

Buhrmann fails to disclose this combination of limitations. For example, *Buhrmann* fails to disclose "determining, by [a] mediation system, a context associated with [a] service selection, the context comprising information regarding the availability of the mediation subscriber" and "in response to determining the context associated with the service selection, determining, by the mediation system, a plurality of contextual arrangement options regarding the service selected by the mediation subscriber, at least one of the plurality of contextual arrangements options being determined based on the determined context associated with the service selection," as specifically recited in amended Claim 1.

The portion of *Buhrmann* cited by the Examiner in the Office Action regarding Claim 1 (*Buhrmann*, col. 8, lines 20-25 and 45-51) merely discloses the following:

Assume the subscriber enters profile requests in the profile request field 502 as follows. Entry 504 is a call completion request indicating that from 9:00 AM until 10:30 AM, during the meeting with John in room 4A, all calls to the subscriber mobile station 110 are to be forwarded to the subscriber's voice mail. .

(*Buhrmann*, col. 8, lines 20-25)

After the subscriber enters and confirms the profile requests entered in the profile request field 502, the PIM 122 generates profile update data appropriate for updating the subscriber profile database 118 in step 308. The generated profile update data is based on the profile requests entered by the subscriber in the profile request field 502. The generation of profile update data is controlled by the subscriber profile update API 132. This profile update data includes both call completion update data (from profile requests 504, 506, 510) and alert update data (from profile request 508).

(*Buhrmann*, col. 8, lines 45-51)

This cited portion of *Buhrmann*, as well as the remainder of *Buhrmann*, fails to disclose: (a) determining a context associated with service selected by a user of a communication device, the context comprising information regarding the availability of the mediation subscriber, and (b) determining a plurality of contextual arrangement options regarding the selected service, at least one of the contextual arrangement options being determined based on the determined context associated with the selected service, as recited in amended Claim 1.

For at least the reasons discussed above, *Buhrmann* does not disclose each and every one of the limitations recited in amended Claim 1. Thus, Applicants respectfully request reconsideration and allowance of amended Claim 1, as well as Claims 2-4 and 6-10 that depend from amended Claim 1. In addition, for analogous reasons as those discussed above regarding amended Claim 1, Applicants respectfully request reconsideration and allowance of amended independent Claims 15 and 29, as well as Claims 16-18 and 20-24 that depend from Claim 15.

Claims 11, 25-26 and 28 are allowable over *Buhrmann*.

As discussed above, Claims 11, 25-26 and 28 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by *Buhrmann*. Applicants traverse for at least the following reasons.

Claim 11, as amended, recites:

A method for facilitating mediated virtual communication, comprising:
receiving, by a mediation system from a mediation subscriber communication device, a service selection;
determining, by the mediation system, a context associated with the service selection; and
preparing, by the mediation system, a plurality of contextual arrangement options in response to determining the context;
transmitting the plurality of contextual arrangement options for reception by the mediation subscriber communication device;
receiving, by the mediation system from the mediation subscriber communication device, a selected one of the contextual arrangement actions prepared by the mediation system;
facilitating, by the mediation system and with a service management system, a mediated follow-through operation based at least partially on the selected one of the contextual arrangement actions for generating a mediated service commitment; and
updating a mediated commitment data set to include the mediated service commitment.

Buhrmann fails to disclose this combination of limitations. For example, *Buhrmann* fails to disclose the following combination of limitations:

- (a) preparing, by the mediation system, a plurality of contextual arrangement options in response to determining the context;
- (b) transmitting the plurality of contextual arrangement options for reception by the mediation subscriber communication device;
- (c) receiving, by the mediation system from the mediation subscriber communication device, a selected one of the contextual arrangement actions prepared by the mediation system;

According to the Examiner, *Buhrmann* discloses these limitations as follows:

(a) preparing, by the mediation system, a plurality of contextual arrangement options in response to determining the context;

Buhrmann, col. 8, lines 45-51, "The generated profile update . . . and alert update data"

(b) transmitting the plurality of contextual arrangement options for reception by the mediation subscriber communication device;

Buhrmann, col. 9, lines 19-21, "Upon completion of . . . cellular communication network 102"

(c) receiving, by the mediation system from the mediation subscriber communication device, a selected one of the contextual arrangement actions prepared by the mediation system;

Buhrmann, col. 10, lines 18-27, "The subscriber would select . . . the particular PIM implementation"

Thus, based on the cited portions of *Buhrmann* listed above, with regard to imitation (a) above, the Examiner attempts to equate *Buhrmann*'s teaching of the PIM generating "profile update data" (which is based on profile requests entered by a subscriber) with "preparing . . . a plurality of contextual arrangement options" as recited in Claim 11. With regard to limitation (b) above, the Examiner equates *Buhrmann*'s teaching of "the PIM 122 transmit[ting] the profile update data to the wireless cellular communication network" with "transmitting the plurality of contextual arrangement options" as recited in Claim 11.

With regard to limitation (c) above, the Examiner attempts to equate *Buhrmann*'s teaching of a "subscriber [indicating] a call completion request (e.g. selective call acceptance) for [a] selected entry [and] the start and end time that the call completion request is to be active," which indication "may be made, for example, through a PIM command using a pull down menu," (col. 10, lines 18-24) with "receiving, by the mediation system from the mediation subscriber communication device, a selected one of the contextual arrangement actions prepared by the mediation system," as recited in Claim 11. Thus, since the Examiner has equated the PIM's generation of profile update data with "preparing . . . a plurality of contextual arrangement options" (limitation (a)), the Examiner is alleging with regard to

limitation (c) that *Buhrmann*'s teaching of a subscriber indicating a call completion request for a selected entry and the start and end time that the call completion request is to be active can be equated with receiving, from the subscriber's communication device, a selection of such profile update data that has been generated by the PIM.

However, when the cited portion of *Buhrmann* (col. 10, lines 18-27) is read in the context of the full paragraph on column 10, lines 1-49, it is clear that the cited portion does not teach receiving a selection of profile update data that has been generated by the PIM. In contrast, the cited portion of *Buhrmann* is explaining an example of how profile update data may be generated by the PIM based on input from the subscriber, the input from the subscriber being the subscriber's indication of a call completion request for a selected entry and the start and end time that the call completion request is to be active.

To illustrate, the paragraph of *Buhrmann* cited by the Examiner states:

Additionally, profile update data may be generated based on contact data 129 as follows. As described above, contact data 129 contains data such as name, address, and telephone number for user contacts. In order to view such contact data 129, the user is presented, through user interface 136, with a display 1100 (FIG. 11) which lists all, or part, of the contact data 129. . . A subscriber could use such a PIM display to request an update to the subscriber's profile.

(*Buhrmann*, col. 10, lines 2-12).

The paragraph then continues to disclose an example of a subscriber entering a call completion request, which is a request to update the subscriber's profile such that all incoming calls to the subscriber will be forwarded to voice mail, except calls from Mary Jones (col. 10, lines 12-27). The paragraph then explains that "[u]pon confirmation of the request, the PIM . . . generates profile update data, containing call completion update data, and sends the profile update data to the wireless cellular communication network 102." (col. 10, lines 27-32).

Thus, *Buhrmann* at column 10 is explaining how a subscriber may select an entry in his/her contact data and enter a call completion request, which causes the PIM to generate and transmit profile update data regarding the subscriber's profile such that the subscriber's profile is updated. In other words, column 10 of *Buhrmann* teaches a subscriber inputting data which causes the PIM to generate profile update data, not the subscriber selecting profile

update data that has been generated by the PIM. Thus, even assuming *arguendo* that *Buhrmann*'s "profile update data" and "PIM" can be equated with the "plurality of contextual arrangement options" and "mediation system" of Claim 11 (as alleged by the Examiner), *Buhrmann* does not teach, "receiving, by the mediation system from the mediation subscriber communication device, a selected one of the [profile update data] prepared by the [PIM]." Thus, *Buhrmann* does not teach limitation (c), "receiving, by the mediation system from the mediation subscriber communication device, a selected one of the contextual arrangement actions prepared by the mediation system."

For at least these reasons, *Buhrmann* fails to disclose each and every limitation recited in amended Claim 11. Thus, Applicants respectfully request reconsideration and allowance of amended Claim 11. In addition, for analogous reasons as those discussed above regarding amended Claim 11, Applicants respectfully request reconsideration and allowance of amended independent Claim 25, as well as Claims 26 and 28 that depend from Claim 25.

Claims 5, 12-14, 19, 27 and 30 are allowable over *Buhrmann*.

Claims 5, 12-14, 19, 27 and 30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Buhrmann*. However, each of such claims is allowable over *Buhrmann* at least because they depend from independent Claims 1, 11, 15, 25 and 29, each of which are shown above to be allowable. Thus, Applicants respectfully request reconsideration and allowance of Claims 5, 12-14, 19, 27 and 30.

Information Disclosure Statement

Applicants would like to bring to the Examiner's attention that Applicants filed an Information Disclosure Statement on August 8, 2003. Applicants respectfully request that the Information Disclosure Statements be considered and cited in the examination of the above-referenced application. Applicants attach a copy of the Information Disclosure Statement and PTO Form 1449 filed August 8, 2003 for the Examiner's convenience and a copy of the postcard receipt evidencing receipt by the Patent Office.

Applicants also enclose a new Information Disclosure Statement and PTO Form 1449 with references, along with a check in the amount of \$180.00 for the Examiner's review and consideration.


CONCLUSION

Applicants appreciate the Examiner's careful review of the application. Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of Claims 1-30, as amended.

Applicants believe there are no fees due, however, the Commissioner is hereby authorized to charge any fees to Deposit Account No. 50-2148 of Baker Botts L.L.P. in order to effectuate filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2581.

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